

## REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

In the outstanding Office Action dated November 13, 2008, the Examiner alleged that at least Claim 1 has not been provided with a proper status identifier. In response hereto, Applicant has provided a listing of claims which includes status identifiers that the Examiner appears to have requested.

Notwithstanding the above, the Applicant respectfully submits that MPEP provides that "Previously Amended" is an acceptable alternative to "Previously Presented."

The relevant portion of MPEP Chapter 700, section 714, subsection II specifically provides the following:

*700 Examination of Applications*

*714 Amendments, Applicant's Action [R-6]*

### *II. MANNER OF MAKING AMENDMENTS UNDER 37 CFR 1.121*

#### *C. Amendments to the Claims*

*(E) Acceptable Alternative Status Identifiers: To prevent delays in prosecution, the Office will waive certain provisions of 37 CFR 1.121 and accept alternative status identifiers not specifically set forth in 37 CFR 1.121 (c). See Acceptance of Certain Non-Compliant Amendments Under 37 CFR 1.121(c), O.G. (July 5, 2005). Accordingly claim listings that include alternative status identifiers as set forth below may be accepted if the amendment otherwise complies with 37 CFR 1.121.*

<i>Status Identifiers Set Forth in 37 CFR 1.121 (c)</i>	<u><i>Acceptable Alternatives</i></u>
1. Original	Original Claim; and Originally Filed Claim
2. Currently amended	Presently amended; and Currently amended claim
3. Canceled	Canceled without prejudice; Cancel; Canceled; Canceled herein; Previously canceled; Canceled claim; and Deleted
4. Withdrawn	Withdrawn from consideration; Withdrawn - new; Withdrawn claim; and Withdrawn - currently amended
5. Previously presented	<b><u>Previously amended</u></b> ; Previously added; Previously submitted; and Previously presented claim
6. New	Newly added; and New claim
7. Not entered	Not entered claim

The Office may also accept additional variations of the status identifiers provided in 37 CFR 1.121 (c) not listed above if an Office personnel determines that the status of the claims is accurate and clear. When accepting alternative status identifiers, the examiner is not required to correct the status identifiers using an examiner's amendment. Applicant will not be notified and will not be required to submit a corrective compliant amendment. The examiner does not need to make a statement on the record that the alternative status identifiers have been accepted.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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